

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

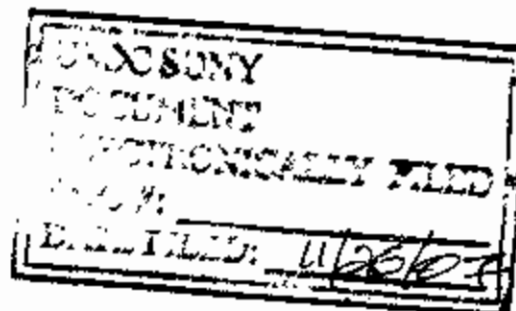
SECURITIES AND EXCHANGE COMMISSION,

*Plaintiff,*

-v.-

OLEKSANDR DOROZHKO

*Defendant,*



Case No. 07 CIV 9606 (NRB)

**JOINT STIPULATION ON ADMISSIBILITY OF EXHIBITS**

Plaintiff Securities and Exchange Commission ("SEC"), by and through its undersigned counsel, and Defendant Oleksandr Dorozhko ("Dorozhko"), by and through his undersigned counsel, hereby agree and stipulate as follows:

1. Neither party has any objection to the admissibility of the following declarations and exhibits:
  - a. Declaration of Martin John Ward dated November 9, 2007 ("Ward Decl.");
  - b. Exhibit 2 to the Ward Decl.;
  - c. Exhibit B of the Declaration of Paul A. Gumagay dated October 29, 2007 ("Gumagay I");
  - d. Exhibits B, C, D, E, F, G, H, and I of the Second Declaration of Paul A. Gumagay dated November 8, 2007 ("Gumagay II");
  - e. Declaration of Michael Fox dated November 9, 2007 ("Fox Decl.");
  - f. Declaration of Stephen P. Glascoe dated November 9, 2007 ("Glascoe Decl.");

g. Exhibits 1, 2, and 3 of the Declaration Of Charles A. Ross In Support Of Dorozhko's Motion To Dismiss The Complaint And To Vacate The TRO, An Order Freezing Assets And Other Relief dated November 6, 2007; and

h. Exhibits 1, 2, 3, 4, 6, 7 and 8 of the Reply Memorandum of Law In Further Support Of Oleksandr Dorozhko's Motion To Dismiss The Complaint And To Vacate The Temporary Restraining Order, An Order Freezing Assets And Granting Other Relief dated November 12, 2007 ("Motion To Dismiss").

2. The following SEC exhibits meet the requirements of authentication as a condition precedent to admissibility under Fed. R.Evid. 901(a) and of **business records** under Fed. R. Evid. 803(6), and, if called to testify, Martin J. Ward would testify that these exhibits are Interactive Brokers LLC's ("Interactive Brokers") records and data compilations that (1) were made at or near the time of the events and occurrences set forth therein and by, or from information transmitted by, an Interactive Brokers employee with knowledge of those matters; (2) were kept in the course of a regularly conducted business activity; and (3) it was the regular practice and business activity of Interactive Brokers to make such records and data compilations:

- a. Exhibit 1 of Ward Decl. (also Exhibit C of Gumagay I);
- b. Exhibit 2 of Ward Decl. (also Exhibit B of Gumagay I);
- c. Exhibit 3 of Ward Decl. (also Exhibit A of Gumagay II);
- d. Exhibit 3a of Ward Decl. (also Exhibit F of Gumagay I);
- e. Exhibit 4 of Ward Decl. (also Exhibit E of Gumagay I);
- f. Exhibit 4a of Ward Decl. (also Exhibit I of Gumagay I);
- g. Exhibit 5 of Ward Decl.;
- h. Exhibit 7 of Ward Decl.; and

i Exhibit D of Gumagay I.

3. The following SEC exhibits meet the requirements of authentication as a condition precedent to admissibility under Fed. R.Evid. 901(a) and of **business records** under Fed. R. Evid. 803(6), and, if called to testify, Michael Fox would testify that these exhibits are IMS Health Incorporated ("IMS Health") records and data compilations that (1) were made at or near the time of the events and occurrences set forth therein and by, or from information transmitted by, an IMS Health employee with knowledge of those matters; (2) were kept in the course of a regularly conducted business activity; and (3) it was the regular practice and business activity of IMS Health to make such records and data compilations:

- a. Exhibit A of Fox Decl.; and
- b. Exhibit B of Fox Decl.

4. The following SEC exhibits meet the requirements as a condition precedent to admissibility under Fed. R. Evid. 901(a) and of **market reports or commercial publications** under Fed. R. Evid. 803(17) and the parties further stipulate that they are publications generally used and relied upon by the public or by persons in particular occupations:

- a. Exhibit A of Gumagay I;
- b. Exhibit G of Gumagay I;
- c. Exhibit H of Gumagay I; and
- d. Exhibit A of Glascoe Decl.

5. Defendant Dorozhko objects, on the basis of hearsay, to the following exhibits and requests a ruling from the Court:

- a. Exhibit 6 of Ward Decl. (also Exhibit J of Gumagay I).

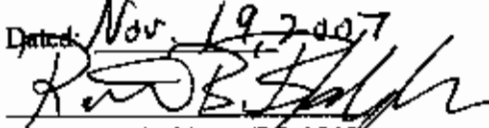
6. Plaintiff SEC objects, on the basis of hearsay, to the following exhibit and requests a ruling from the Court:

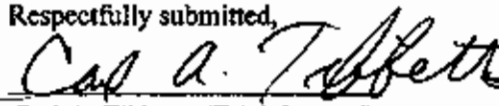
a. Exhibit 5 of Motion To Dismiss.

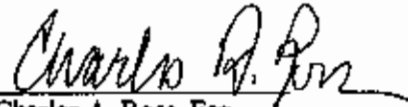
7. Plaintiff SEC and Defendant Dorozhko stipulate that, with this Court's permission, the testimonies of Messrs. Ward and Fox may be conducted by telephone during the hearing scheduled for Wednesday, November 28, 2007, at 10:00 a.m.


8. Both parties reserve their rights to object to the admissibility of any of the above evidence based on relevance.

9. Both parties agree that the declarations of counsel will not be offered as evidence.

Dated: Nov. 19, 2007  
  
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Respectfully submitted,  
  
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Counsel for Defendant Oleksandr Dorozhko

*So Ordered.*  
  
November 21, 2007

## SEC v. Dorozhko, 07 Civ. 9606 (NRB)

Party Offering	Declaration	Exhibits	Description	Objection?	Stipulate	Authentication	FRE
SEC	Gumagay I	A	Bloomberg Chart	No	Yes	N/A	FRE 803(17) Market Reports
SEC	Gumagay I	B	Passport	No		See Ward Decl. Ex. 2	
SEC	Gumagay I	C	Acct. Info	No		See Ward Decl. Ex. 1	
SEC	Gumagay I	D	Acct. Summary	No	Yes	Ward	FRE 803(6) Business Records
SEC	Gumagay I	E	Wire Transfer	No		See Ward Decl. Ex. 4	
SEC	Gumagay I	F	10/17 Acct. Stmt.	No		See Ward Decl. Ex. 3a	
SEC	Gumagay I	G	Business Wire	No	Yes	N/A	FRE 803(17) Market Reports
SEC	Gumagay I	H	Dow Jones	No	Yes	N/A	FRE 803(17) Market Reports
SEC	Gumagay I	I	10/18 Acct. Stmt.	No		See Ward Decl. Ex. 4a	
							
SEC	Gumagay II	A	Bank Certification	No		See Ward Decl. Ex. 3	

<b>Party Offering</b>	<b>Declaration</b>	<b>Exhibits</b>	<b>Description</b>	<b>Objection?</b>	<b>Stipulate</b>	<b>Authentication</b>	<b>FRE</b>
SEC	Gumagay II	B	Notice of Deposition	No	Yes	N/A	N/A
SEC	Gumagay II	C	Interrogatories	No	Yes	N/A	N/A
SEC	Gumagay II	D	Admissions	No	Yes	N/A	N/A
SEC	Gumagay II	E	Ross 11/5 letter	No	Yes	N/A	N/A
SEC	Gumagay II	F	Ross 11/8 letter	No	Yes	N/A	N/A
SEC	Gumagay II	G	Tibbetts 11/2 letter	No	Yes	N/A	N/A
SEC	Gumagay II	H	Tibbetts undated letter	No	Yes	N/A	N/A
SEC	Gumagay II	I	LHV pleadings	No	Yes	N/A	N/A
SEC	Declaration of Fox	N/A	Declaration	No	Yes	N/A	N/A
SEC	Fox @ IMS Health	A	IMS Press Release	No	Yes	Fox	FRE 803(6) Business Records
SEC	Fox @ IMS Health	B	Chronology	No	Yes	Fox	FRE 803(6) Business Records
SEC	Declaration of Glascoe	N/A	Declaration	No	Yes	N/A	N/A
SEC	Glascoe	A	Dow Jones	No	Yes	N/A	FRE 803(17) Market Reports
SEC	Declaration of Ward	N/A	Declaration	No	Yes	N/A	N/A

<b>Party Offering</b>	<b>Declaration</b>	<b>Exhibits</b>	<b>Description</b>	<b>Objection?</b>	<b>Stipulate</b>	<b>Authentication</b>	<b>FRE</b>
SEC	Ward @ Interactive Brokers	1	Acct. Info	No	Yes	Ward	FRE 803(6) Business Records
SEC	Ward @ Interactive Brokers	2	Passport	No	Yes	N/A	N/A
SEC	Ward @ Interactive Brokers	3	Bank Certification	No	Yes	Ward	FRE 803(6) Business Records
SEC	Ward @ Interactive Brokers	3a	10/17 Acct. Stmt.	No	Yes	Ward	FRE 803(6) Business Records
SEC	Ward @ Interactive Brokers	4	Wire Transfer	No	Yes	Ward	FRE 803(6) Business Records
SEC	Ward @ Interactive Brokers	4a	10/18 Acct. Stmt.	No	Yes	Ward	FRE 803(6) Business Records
SEC	Ward @ Interactive Brokers	5	Login/IP/MAC	No	Yes	Ward	FRE 803(6) Business Records

Party Offering	Declaration	Exhibits	Description	Objection?	Stipulate	Authentication	FRE
SEC	Ward @ Interactive Brokers	7	Acct. login info.	No	Yes	Ward	FRE 803(6) Business Records
Dor.	Ross	1	Gumagay I	No	Yes	N/A	N/A
Dor.	Ross	2	Gumagay 6.1	No	Yes	N/A	N/A
Dor.	Ross	3	TRO	No	Yes	N/A	N/A
Dor.	MTD	1	Bloomberg News; Yahoo!; MSN.com	No	Yes	N/A	N/A
Dor.	MTD	2	Yahoo! Financial Analyst	No	Yes	N/A	N/A
Dor.	MTD	3	Listing of IMS Health Analysts	No	Yes	N/A	N/A
Dor.	MTD	4	Business Week Article	No	Yes	N/A	N/A



Party Offering	Declaration	Exhibits	Description	Objection?	Stipulate	Authentication	FRE
Dor.	MTD	6	Kenneth Glazer article	No	Yes	N/A	N/A
Dor.	MTD	7	ECF/CM Notification	No	Yes	N/A	N/A
Dor.	MTD	8	E-mail from Padurano to Blackburn	No	Yes	N/A	N/A
SEC	Telephonic Testimony of Fox	N/A	Testimony	No	Yes	N/A	N/A
SEC	Telephonic Testimony of Ward	N/A	Testimony	No	Yes	N/A	N/A